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TAGS: [PREL](#) [PGOV](#) [PINR](#) [MOPS](#) [IV](#) [TO](#) [BO](#) [RS](#) [UP](#) [FR](#)
SUBJECT: COTE D'IVOIRE/FRANCE: INVESTIGATION OF NOVEMBER
2004 BOMBING WINDING DOWN?

REF: A. OSC RESTON VA 331395 (DTG 070940Z JUL 06)

- [1](#)B. PARIS 553
- [1](#)C. PARIS 741
- [1](#)D. PARIS 1118
- [1](#)E. PARIS 5544

Classified By: Political Minister-Counselor Josiah Rosenblatt, 1.4 (b/d).

[1](#)1. (C) SUMMARY: France's judicial investigation of the November 6, 2004, bombing of French forces in Cote d'Ivoire by the Ivoirian Air Force may be drawing to a close, according to recent developments reported by the press. Nine French military personnel and an Amcit civilian were killed in the bombing. For reasons that are not entirely clear but which may well be political, the prosecutor in the case has reportedly decided not to seek international arrest warrants against two Belarusians believed to have piloted the planes used in the bombing and against Robert Montoya, a French citizen operating in Togo, who allegedly helped procure the planes and pilots from Belarus. The decision to desist may spare the French government from further potentially embarrassing disclosures concerning its failure to prevent the bombing, obtain custody over the Belarusians, and impede their departure from the region. Closing the case may also allow the French, on the eve of a presidential election cycle, to avoid addressing a difficult issue during a renewed period of French-Ivoirian tension following adoption of UNSCR 1721, as well as avoid complications with Togo, Belarus, Russia, and Ukraine. But it may also limit or render moot claims for compensation sought by the victims' families. END SUMMARY.

BACKGROUND

[1](#)2. (U) On November 6, 2004, during a period of severe unrest and violence in Cote d'Ivoire, two Sukhoi-25 fighter-bombers of the Ivoirian Air Force bombed French forces stationed in Bouake, killing nine French military personnel and one Amcit civilian. These planes had been conducting missions for several days against rebel forces in Cote d'Ivoire as part of a government offensive against the rebels. The French retaliated soon after, destroying Cote d'Ivoire's Air Force and other assets, and began evacuating French citizens in response to the unrest.

[1](#)3. (U) The French were well aware that the planes used in the Bouake bombing had been obtained from Belarus and were flown by Belarusian pilots, with Ivoirians sitting in the second seat. Russian and Ukrainian personnel were reportedly part of the support package for the Sukhoi aircraft.

According to press reports (e.g., ref A, a good overview of the incident and subsequent investigation), French military personnel in Cote d'Ivoire took custody of the pilots and support personnel, held them for four days, and then released them to a Russian Consul on November 13, reportedly on instructions from the French General Staff.

¶4. (U) The French judiciary in Paris, in conjunction with legal actions brought by the French victims' families, soon opened an investigation, with investigative judge Brigitte Raynaud of the Army Tribunal for Paris (which has jurisdiction over claims involving the French military) taking the case two and a half months after the incident. In the French system, the investigative judge builds a case, which is then presented to the Tribunal's prosecutor, who decides whether to proceed.

¶5. (C) By all accounts, Raynaud led an aggressive investigation. The Belarusian/Russian/Ukrainian team, including the pilots, arrived in Togo after their release from custody in Cote d'Ivoire. In Togo, they were apprehended by Togolese authorities under the supervision of the Minister of the Interior, who at that time was Francois Boko. Boko, who later fled Togo after calling for the postponement of the April 2005 elections, has reported several times on his involvement in the case, including his assertion that French authorities advised him that the detainees could be released (see refs B-E), which Boko then ordered. Boko has stated that the planes used in the bombing and their crew and support personnel were procured on behalf of the Cote d'Ivoire government by French citizen Robert Montoya, a former French official and former member of the French Presidency's anti-terrorism unit who has since moved

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to Togo and has reportedly been involved in arms trafficking. Boko has also asserted that he informed the French, well before the bombing, of the arrival of the planes and crew in Togo and their transfer to Cote d'Ivoire. Boko has also stated that Montoya assisted the detainees and helped them leave Togo once the Togolese had released them.

¶6. (U) Raynaud expanded her investigation to include Montoya, his links to the bombing, and the arms trafficking link between him, Cote d'Ivoire, and Belarus/Russia/Ukraine. Montoya has since told the press that he was an honest broker bears no responsibility for the bombing.

¶7. (U) In addition to investigating the Cote d'Ivoire bombing and its connection with Togo and Belarus/Russia/Ukraine, Raynaud was involved in several other investigations involving French military activities in Africa. These include the killing of suspected bandit Firmin Mahe in Cote d'Ivoire by members of the French military and claims against the French government and military for France's roles in the 1994 genocide in Rwanda (ref B).

¶8. (U) Investigative judge Raynaud was transferred (apparently at her own request) from her functions at the Army Tribunal for Paris in February 2006 shortly after her interview with Boko (who complained that Raynaud's office had leaked the substance of his interview to the press, exposing him to possible danger). Raynaud took up new duties at the Inter-Ministerial Commission for City Affairs. Florence Michon succeeded Raynaud, with the press suggesting that she was less experienced, and hence less likely to be effective, than Raynaud in view of her age (32-years old at the time Michon succeeded Raynaud).

MOST RECENT DEVELOPMENTS

¶9. (U) Paris dailies Le Figaro (November 6) and Liberation (November 8) reported that on September 5 Jacques Baillet, the prosecutor at the Army Tribunal for Paris, exercised his discretion and declined to issue international arrest warrants against the two Belarusian pilots (Youri Sushin and

Barys Smahin) for their alleged role in carrying out the November 2004 bombings. Baillet also declined to issue a warrant against Montoya. A member of the Army Tribunal for Paris stated that "the investigations led by the investigative judge have not permitted, at this stage, the formal establishment of the identities of these pilots." However, Le Figaro noted that on February 10, then-investigative judge Raynaud stated that "the results of the investigation, in particular certain DGSE documents, establish that the two pilots who proceeded to attack the Lycee Descartes, were named Youri Sushin and Barys Smahin." Le Figaro remarked that this "divergence of appreciation" resulted in part from the confusion that followed the attack, and then reported on other evidence tending to confirm the identities of the pilots.

¶10. (U) Liberation's follow-up article noted the possibility that the decision not to act against the pilots, crew, and Montoya probably meant that the case might effectively have ended. Jean Balan, a lawyer for the families, said that "I fear they want to let this drop. They (the Belarusian pilots) benefit from the presumption of innocence, but why forbid us from hearing from them? In reality, the French authorities don't want us to know who gave the order, and why, to bomb (Operation) Licorne and Bouake." Liberation noted that "since the investigation by judge Florence Michon (Raynaud's successor as investigative judge) appears dead, certain relatives of the soldiers who were killed are beginning to express openly their doubts as to the willingness of the government to shed light on the bombing of Bouake."

¶11. (C) MFA Cote d'Ivoire deskoff Charlotte Montel offered very brief comments when asked about these developments on November 8. As she and her colleagues have frequently stated in cases involving judicial investigations and African countries, Montel stressed that this was a matter for the judiciary and that the MFA was not involved in the case. She refrained from confirming that the case would soon be closed. Confirming another recent press report, she said that a team of judicial investigators would soon travel to Cote d'Ivoire to investigate claims by several French citizens that they were the victims of violence committed against them by

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Ivoirians during the unrest that followed the November 2004 bombings. Ivoirian authorities are reported to be cooperating with the French in this new series of investigations.

¶12. (C) COMMENT: The way this matter has progressed raises questions as to whether the GOF has intervened to close a case with possibly embarrassing political repercussions, including such issues as:

- apparent French foreknowledge of the arrival of the planes and crew from Belarus via Togo and their likely use by the Cote d'Ivoire government;
- whether the bombing of French forces by the Cote d'Ivoire Air Force was intentional or accidental;
- the decision to release the pilots and crew from French custody in Cote d'Ivoire;
- the decision to advise the Togolese to release them;
- the role of French citizen and former Elysee official Robert Montoya in obtaining the planes and crew, and his role in trafficking arms to Cote d'Ivoire;
- the decision by the GOF to destroy Cote d'Ivoire's Air Force in retaliation for the bombing of French forces; and
- the subsequent violence directed at French interests and citizens in Cote d'Ivoire, requiring a military evacuation of French residents.

If the judicial inquiry ends, discomfiting questions such as these may now remain unanswered and take their place among the hobbyhorses of conspiracy theorists.

¶13. (C) COMMENT CONT'D: The closing of the case may well be intended to allow the GOF to avoid worsening relations not only with Cote d'Ivoire but also with Togo (Montoya's base of operations and apparent transit point for the planes and pilots), as well as with Belarus, Russia, and Ukraine (source of the planes and crew), at a time when France is embroiled in many other sensitive issues regarding Cote d'Ivoire (e.g., UNSCR 1721). Although the French would never acknowledge political intervention to quash such a case, it seems possible that such concerns may well have outweighed purely judicial factors, perhaps even trumping the GOF's interest vis-a-vis its own citizens in supporting efforts by the victims' survivors to determine what happened, assess responsibility, and obtain compensation. Moreover, avoiding such issues may appear particularly attractive as the French enter into a presidential election cycle, with candidates not eager to address uncomfortable questions from the recent past. END COMMENT.

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